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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,066	06/29/2000	Glen D. Stone	50N3534/1434	7290

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Simon & Koerner LLP
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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,066

Applicant(s)

STONE ET AL

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 4/23/04.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7, 15-25, 27 and 35-45 is/are allowed.
- 6) ☒ Claim(s) 6, 26, 50 and 51 is/are rejected.
- 7) ☒ Claim(s) 8-14, 28-34 and 46-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8-14, 28-34, and 46-49 are objected to because of the following informalities:

Claim 8, line 2, it is suggested to insert ---a--- before “total channels field”.

Claim 9, line 2, it is suggested to insert ---a--- before “process identifier field”.

Claim 28, line 2, it is suggested to insert ---a--- before “total channels field”.

Claim 42, line 1, it is suggested to change “may be” to ---is---. In line 2, “isochronous memory” seems to refer back to “an isochronous memory” in line 5 of claim 21. If this is true, it is suggested to change “isochronous memory” to ---said isochronous memory---.

Claim 46, line 3, “an isochronous memory” seems to refer back to “an isochronous memory” in line 5 of claim 21. If this is true, it is suggested to change “an isochronous memory” to ---said isochronous memory---.

Claim 47, line 3, “an isochronous memory” seems to refer back to “an isochronous memory” in line 5 of claim 21. If this is true, it is suggested to change “an isochronous memory” to ---said isochronous memory---.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 6 recites the limitation "said isochronous memory" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "said isochronous memory" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 50-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Abramson et al (6,192,428).

Regarding claims 50-51, Abramson discloses a system/medium for implementing an electronic device comprising means for providing priority information from a transmission source (150, 160 of figure 1) for use by the electronic device (100); means for configuring a

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memory device (120) to store the priority information (see figures 1-3; col. 4, lines 6-14); and means for accessing the priority information from the memory device by using a processor (105 of figure 1).

Response to Arguments

6. Applicant's arguments filed 4/23/04, with respect to claims 50-51 have been fully considered but they are not persuasive. The applicant argued on page 16-17 that claims 50 and 51 recites elements and functionality similar to those recited in claims 1 and 21. The examiner disagrees because claim 50 and 51 do not claim an isochronous memory that is dedicated for storing only the priority information on a priority basis and an asynchronous memory for storing only asynchronous data on a non-priority basis. Claims 50 and 51 only claim a memory device for storing priority information.

7. Applicant's arguments, see the amendment, filed 4/23/04, with respect to claims 3-5 and 23-25 have been fully considered and are persuasive because independent claims 1 and 21 have been amended. The obvious-type double patenting as being unpatentable over claims 1 and 16 of patent No. 6,578,109 in view of patent No. 6,453,376 of claims 3-5 and 23-25 has been withdrawn. Claims 50-51 have not been rejected under the judicially created doctrine of obvious-type double patenting.

Allowable Subject Matter

8. Claims 1-5, 7, 15-25, 27, and 35-45 are allowed.

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9. Claims 6, 8-14, 26, 28-34, and 46-49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Brian Nguyen', with a stylized flourish extending to the right.

Brian Nguyen

5/8/04